

CHAPTER NO. 70

HOUSE BILL NO. 2417

By Representatives McMillan, Curtis Johnson, Phillip Johnson

Substituted for: Senate Bill No. 2402

By Senator Kurita

AN ACT to amend Chapter 252 of the Private Acts of 1929, as reenacted by Chapter 292 of the Private Acts of 1957, as amended by Chapter 249 of the Private Acts of 1961, Chapter 259 of the Private Acts of 1980, Chapter 208 of the Private Acts of 1984, Chapter 101 of the Private Acts of 1985, Chapter 187 of the Private Acts of 1986, Chapter 253 of the Private Acts of 1992, Chapter 49 of the Private Acts of 1993, and any other acts amendatory thereto, relative to charter of the City of Clarksville.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 252 of the Private Acts of 1929, as reenacted by Chapter 292 of the Private Acts of 1957, and any other acts amendatory thereto, is amended by deleting Article II, Section 9, in its entirety and substituting instead the following language:

Section 9. TIME OF MEETINGS; SPECIAL MEETINGS. *Be it further enacted*, That the city council shall, by ordinance, fix the time and place at which the regular meetings of said city council shall be held, and until otherwise provided by ordinance, the regular meetings of the city council shall be held at 7:30 p.m. on the first Thursday night in each month.

Whenever, in the opinion of the mayor, or of any seven (7) council members, the welfare of the city demands it, the mayor, or the mayor pro tem, in the event that the provisions of Section 8 of this article are met, shall call a special meeting of the city council upon at least twelve (12) hours written notice to each council member, the commissioner of finance and revenue, the commissioner of public works and the city attorney, such notice to be served by a member of the police force or left at their usual places of residence. Each call for a special meeting shall set forth the character of business to be transacted at such meeting, and no other business shall be considered at such meeting. The mayor shall conduct the meeting within seventy-two (72) hours.

SECTION 2. Chapter 252 of the Private Acts of 1929, as reenacted by Chapter 292 of the Private Acts of 1957, and any other acts amendatory thereto, is further amended by deleting Article II, Section 10 in its entirety and substituting instead the following language:

Section 10. MAYOR TO PRESIDE; WHEN MAYOR TO VOTE. *Be it further enacted*, That the mayor shall preside at all meetings of the city council and he may vote upon any matter presented to the council. If the mayor is absent, the mayor pro tem shall preside, and may vote. If the mayor and mayor pro tem are absent, the council then in session may elect one of the council members present to preside. The city attorney, without a right to vote, shall conduct the election of the council member to preside at that meeting.

SECTION 3. Chapter 252 of the Private Acts of 1929, as reenacted by Chapter 292 of the Private Acts of 1957, and any other acts amendatory thereto, is further amended by deleting Article V, Section 1 in its entirety and substituting instead the following language:

Section 1. FISCAL YEAR. *Be it further enacted*, That the fiscal year of the city government shall begin on the July 1 and shall end on June 30 of the following year, but another fiscal year may be fixed by ordinance for the entire city government or for any utility.

SECTION 4. Chapter 252 of the Private Acts of 1929, as reenacted by Chapter 292 of the Private Acts of 1957, and any other acts amendatory thereto, is further amended by deleting Article V, Section 2 in its entirety.

SECTION 5. Chapter 252 of the Private Acts of 1929, as reenacted by Chapter 292 of the Private Acts of 1957, as amended by Chapter 249 of the Private Acts of 1961, Chapter 187 of the Private Acts of 1986, Chapter 253 of the Private Acts of 1992, and any other acts amendatory thereto, is further amended by deleting Article V, Section 3 in its entirety and substituting instead the following language:

Section 3. ACTION BY COUNCIL ON BUDGET. *Be it further enacted*, That the city council shall adopt an appropriations ordinance based on the approved budget. Appropriations need not be in more detail than a lump sum for each department and agency. The council shall not adopt

any appropriations ordinance in excess of the available funds, except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the city, providing that the council unanimously agrees there is such an emergency, and provided further that the council shall be empowered to borrow such funds as may be necessary to meet such emergencies notwithstanding the provisions of Article I, Section 5(a)(16), as amended.

If a budget ordinance is not adopted before the beginning of the new fiscal year, the budget ordinance for the fiscal year ending on June 30, less any appropriations for capital expenditures (land, buildings, equipment and infrastructure that cost more than five thousand dollars (\$5,000)), shall become the budget ordinance for the new fiscal year beginning the following July 1, until such time as a budget ordinance for the new fiscal year can be adopted. The council shall adopt a budget ordinance by affirmative vote of a majority of the council on two (2) separate readings of the budget ordinance. The budget ordinance may be changed by the council at any time prior to the second and final reading; provided, however, all changes shall be disclosed prior to the adoption of the budget ordinance on the second and final reading. Amendments to the adopted budget ordinance may be approved by ordinance at any time during the fiscal year by the affirmative vote of a majority of the council on two (2) separate readings.

The minimum requirements of the budget ordinance shall provide for the following:

(1) Estimates of proposed expenditures for each department, board, office or other agency, showing in addition, the expenditures for corresponding items for the last preceding fiscal year, projected expenditures for the current fiscal year and reasons for recommended departures from the current appropriation pattern in such detail as may be prescribed by the governing body. It is the intent of the city, that except for moneys expended pursuant to a project ordinance or accounted for in a proprietary type fund or a fiduciary type fund that are excluded from the budget ordinance, all moneys received and expended by a municipality shall be included in a budget ordinance. Therefore, notwithstanding any other provision of law, the city may not expend any moneys regardless of their source (including moneys derived from bond and long-term note proceeds, federal, state or private grants or loans, or special assessments), except in accordance with a budget ordinance adopted under this section or through a proprietary type fund or a fiduciary type fund properly excluded from the budget ordinance.

(2) Estimates of anticipated revenues of the city from all sources including current and delinquent taxes, non-tax revenues and proceeds from the sale of any bonds on long-term notes with a comparative statement of the amounts received by the municipality from each of such sources for the last preceding fiscal year, the current fiscal year, and the coming fiscal year in such detail consistent with the financial reporting within the comprehensive annual financial report or as may be prescribed by ordinance by the governing body.

The council may by ordinance adopt policies and regulations for the implementation of this section and to provide for additional budget requirements.

SECTION 6. Chapter 252 of the Private Acts of 1929, as reenacted by Chapter 292 of the Private Acts of 1957, as amended by Chapter 259 of the Private Acts of 1980, Chapter 208 of the Private Acts of 1984, Chapter 101 of the Private Acts of 1985, Chapter 253 of the Private Acts of 1992, Chapter 49 of the Private Acts of 1993, and any other acts amendatory thereto, is further amended by deleting Article VI, Section 3 in its entirety and substituting instead the following language:

Section 3. SEALED BIDS FOR PURCHASES. *Be it further enacted*, That the Clarksville city council shall require by ordinance the competitive procurement through bids and requests for proposal for goods, services, leases, and all other purchases in excess of ten thousand dollars (\$10,000). This limit may be modified by ordinance. Requirements for advertising will be as directed by the Clarksville city council. All purchases made from funds subject to the authority of this section shall be made within the limits of the approved budget, when required, and the appropriations, when required, for the department, office, or agency for which the purchase is made. The city council shall by ordinance establish all such bidding and purchasing regulations or procedures, or both, as it determines to be necessary to implement the provisions of this section and as may be necessary for exemption from all purchasing provisions of the Municipal Purchasing Law of 1983.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Clarksville. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Clarksville and certified to the secretary of state.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 7.

PASSED: May 27, 2005



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 17th day of June 2005



PHIL BREDESEN, GOVERNOR